

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PAJCs. – Hon'ble High Court – Orders dated 12-4-2010 in W.P.No.19757 of 2005 filed by Smt.Rabia Sulthana, Junior Lecturer in Botany in DB.Junior College for Girls, Charkaman, Hyderabad for admission into Grant-in-Aid from 26-10-2004 – Orders – Issued.

HIGHER EDUCATION (I.E.II) DEPARTMENT

G.O.Rt.No.779

Dated:22-10-2011

Read the following:-

- 1.Hon'ble High Court orders dated 12-4-2010 in W.P.No.19757 of 2005.
- 2.Opinion of Govt.Pleader for H.E.Dept., A.P.High Court in Lr.No.WP.19757/05/FY/HE/CE/TE/IE, dated 24-1-2011.
3. From the DIE. Lr.Rc.No.Admn.I-B-1/330/2004, dated 7-3-2011.
- 4.Opinion of Addl.Advocate-General, A.P.Hyderabad in Lr. No.360/Opinion No.12 of 2011, dated 31-5-2011
5. From the DIE. Lr.Rc.No.Admn.I-B-1/330/2004, dated 4-6-2011 and 16-8-2011.
- 6.C.C.No.169 of 2011 filed by Smt.Rabia Sulthana, Agarwal Boys High School, Char Kaman, Hyderabad.

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O R D E R:-

Smt.Rabia Sulthana, Junior Lecturer in Botany in D.B.Junior College for Girls, Charkaman, Hyderabad has filed W.P.No.19757 of 2005 for admission of her post into Grant-in-Aid and the Hon'ble High Court passed orders dated 12-4-2010 in the reference 1st read above, while setting aside the impugned memo dated 16-5-2005 issued by the 2nd Respondent (Commissioner of Intermediate Education) and the consequent letter dated 27-5-2005 issued by the management to the petitioner, has directed the 2nd Respondent to consider the case of the petitioner for appointment to the post of Junior Lecturer in Botany by admitting into Grant-in-Aid post, and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order.

2. In the reference 2nd read above, the Government Pleader for Higher Education Department, A.P.High Court has opined that, since the appointment of the petitioner was approved by the Board of Intermediate Education and the management has sent the proposals to the Director of Intermediate Education, A.P., Hyderabad before the ban has come into effect vide Govt.Memo No.19753/PS-1/2004-1, dated 25-11-2004, he did not see any ground to prefer an appeal and advised to comply with the Judgement of Hon'ble High Court in W.P.No.19757 of 2005.

3. In the reference 5th read above, the Director of Intermediate Education, A.P., Hyderabad has requested the Government to issue necessary suitable orders on the orders of the Hon'ble High Court dated 12-4-2010 in W.P.No.19757 of 2005 keeping in view of the opinion of Additional Advocate General, A.P. High Court, Hyderabad. The Additional Advocate-General, A.P.High Court in the reference 4th read above has observed that the Director of Intermediate Education, A.P., Hyderabad having permitted to fill up the vacancy of Junior Lecturer in Agarwal Junior College for Boys, Charkaman, Hyderabad by promotion and also having regard to the fact that the appointment of Smt. Rabia Sulthana having been made in accordance with the procedure as can be seen from the approval granted on 26-10-2004, the relief granted by the Hon'ble High Court in the Writ Petition cannot be said to be erroneous and in similar circumstances, the Hon'ble High Court had more than one occasions held that the ban imposed on filling up the vacancies of Grant-in-Aid would not be applicable, where permission or a specific authorization by the Competent Authority for the purposes of making recruitment against the existing post has been given. It also held that the ban so imposed would not be applicable to the cases where the

process of filling up the vacancies has already commenced with due permission from the Competent Authority.

4. The Additional Advocate General, Hon'ble High Court of AP also stated that in the instant case, permission was accorded and in fact the appointment was also approved and thus it cannot be considered that the department has a case for prosecuting writ appeal and that it is not a fit case to carry the matter in appeal against the Judgment in W.P.No.19757 of 2005.

5. In the reference 6th read above, the Government Pleader for Higher Education Department, A.P.High Court has stated that Smt.Rabia Sulthana, Agarwal Boys High School, Char Kaman, Hyderabad has filed C.C.No.169 of 2011 before the Hon'ble High Court for implementation of orders dated 12-4-2010 in W.P.No.19757 of 2005.

6. In the circumstances stated above and keeping in view the orders of the Hon'ble High Court, Government after careful examination, hereby permit the Commissioner of Intermediate Education for admitting Smt.Rabia Sulthana, Agarwal, Junior Lecturer in Botany in D.B.Junior College for Girls, Charkaman, Hyderabad into Grant-in-Aid from 26-10-2004 i.e. date of approval of the appointment by the Secretary, Board of Intermediate Education, Hyderabad.

7. The Commissioner of Intermediate Education, Hyderabad shall take further action accordingly.

8. This order issues with the concurrence of the Finance (PC.III) Dept., vide their U.O.No.24942/615/Expr.HE/11, dated 12-9-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To:

The Commissioner of Intermediate Education, A.P., Hyderabad.

Copy to:

Smt.Rabia Sulthana, Agarwal Boys High School, Char Kaman, Hyderabad through Commissioner of Intermediate Education, A.P., Hyderabad.

The Secretary & Correspondent, DB.Junior College for Girls, Charkaman, Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The PAY & Accounts Officer, Hyderabad.

The Director of Local Fund Accounts, Hyderabad.

The Additional Advocate-General, A.P.High Court, Hyderabad.

The Government Pleader for Higher Education, A.P.High Court, Hyderabad with a request to appraise the Hon'ble High Court.

The Finance (Expr.HE) Department.

SF/SC.

//Forwarded : : By Order//

SECTION OFFICER